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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,315	12/23/1999	Samuel N Zellner	99483	7258
7590	03/25/2004		EXAMINER	
DARREN E WOLF KIRKPATRICK & LOCKHART LLP HENRY W OLIVER BUILDING 535 SMITHFIELD STREET PITTSBURGH, PA 152222312			ANWAH, OLISA	
			ART UNIT	PAPER NUMBER
			2645	
			DATE MAILED: 03/25/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/471,315	ZELLNER ET AL.
Examiner	Art Unit	
Olisa Anwah	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 08 March 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) 9,11,12 and 17-26 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-8,10,13-16 and 27 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s) _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 2, 5-8 and 27 are rejected under 35 U.S.C § 103(a) as being unpatentable over Miner et al, U.S. Patent No. 6,021,181 (hereinafter Miner) in view of Miner et al, U.S. Patent No. 6,047,053 (hereinafter '053 Patent).

Regarding claim 1, Miner discloses a method of screening a caller prior to establishing a telephone connection between the caller (Bill) and a callee (Wildfire), the method comprising receiving a telephone call from the caller (Bill), prompting the caller to speak the name of the callee (Wildfire), receiving the name of the callee (Wildfire) when spoken by the caller (Bill) and identifying the caller (Bill) by analyzing the voice of the caller received when the caller (Bill) speaks the name of the callee (Wildfire) (col. 11, lines 35-65 and Figure 4A).

The cited portion of Miner does not disclose the callee is a person. The cited portion teaches the callee is a machine. However the cited portion clearly shows that the system is able to route the caller's call to a person. According to step 200 from Figure 4A, the system prompt played to the caller is, "...Please say the name of the person you are trying to reach; "Bill Warner", "Jane", "Sally", "Pete" or anyone" (Examiner respectfully notes emphasis on "person"). While the cited example shows the caller responds by saying "Wildfire" (step 202), it is clear that the caller is also able to say "Jane". Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miner with a method wherein the callee is a person. This modification would allow a caller to reach a person as suggested by Miner.

With further respect to claim 1, Miner teaches using voice recognition to perform the identifying step (col. 11, line 60). Miner does not explicitly disclose the voice recognition step comprises generating a first voice sample of the caller's voice when the caller speaks the name of the callee and comparing the first voice sample to a second voice sample. However the '053 patent teaches these limitations (col. 6, lines 20-60). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miner with

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the voice samples taught by the '053 patent. This modification allows a voice recognition system to be trained as suggested by the '053 patent.

Regarding claims 2, 5-8 and 27 see col. 11, lines 35-65 and Figure 4A of Miner.

3. Claims 3, 4 and 10 are rejected under 35 U.S.C § 103(a) as being unpatentable over Miner in view of Peterson et al, U.S. Patent No. 6,385,303 (hereinafter Peterson).

Regarding claim 3, Miner does not disclose routing the telephone call to a message recording system if the caller is unauthorized to be directly connected to the callee. However Peterson discloses this limitation (col. 7, lines 15-30). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miner with the message recording system taught by Peterson. This modification would allow for a no-call feature to be enabled as suggested by Peterson.

Regarding claim 4, Miner does not disclose disconnecting the telephone call if the caller is unauthorized to be directly connected to the callee. However Peterson discloses this limitation (col. 7, lines 41-45). Therefore it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify Miner with the disconnecting feature taught by Peterson. This modification prevents the phone line from being occupied by unauthorized callers.

Regarding claim 10, Miner does not disclose routing the telephone call to a message recording system if the callee is unable to receive the telephone call. However Peterson discloses this limitation (col. 7, lines 15-30). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miner with the message recording system taught by Peterson. This modification would allow for a no-call feature to be enabled as suggested by Peterson.

4. Claims 13-16 are rejected under 35 U.S.C § 103(a) as being unpatentable over Miner in view of O'Brien, U.S. Patent No. 5,479,489 (hereinafter O'Brien).

Regarding claim 13, Miner does not disclose creating a database containing a plurality of digital text files, wherein each of the plurality of digital text files contains identification information for a different one of a plurality of callees. However O'Brien discloses this limitation (col. 1, lines 62-65 and col. 2, lines 1-5). Therefore it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify Miner with the database taught by O'Brien. This modification allows storage space to be saved by saving information as text files as opposed to voice files.

Regarding claims 14 and 15, see col. 2, lines 43-47 and lines 54-55 of O'Brien.

Regarding claim 16, see col. 3, lines 10-14 of O'Brien.

Response to Arguments

5. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened

statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah
Patent Examiner
March 17, 2004

FAN TSANG
TNT EXAMINER
ARTER 2600

